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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,402	07/23/2003	John von Voros	33565.2	9080
27683	7590	01/26/2005	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202		HAMMOND, BRIGGITTE R		
		ART UNIT		PAPER NUMBER
		2833		

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/625,402	VOROS, JOHN VON
	Examiner Briggitte R. Hammond	Art Unit 2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-58 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-58 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: ____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3,4,6,8,9,11,13 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) as disclosed on pages 2-4 of the instant application in view of Walbeck et al. Regarding claim 1, AAPA discloses in figs. 1a and 1b a network device, comprising, a housing 12, circuitry within the housing for operating as a router (via WAN port 32) to direct a communication of information between any of first, second and third communication devices via a wireless medium, wherein the circuitry includes a first connection, a second connection and a power connection, a group of electrical prongs 16, for insertion into at least one primary receptacle of the alternating current power source, wherein at least a portion of the group of electrical prongs is connected to the power connection. AAPA does not disclose the group of electrical prongs 16 being mounted to the housing and mechanically supporting at least a portion of the housing's weight when the group of electrical prongs is so inserted, nor a first and second extension receptacles 207, mounted to the housing and connected to the group of electrical prongs. However, Walbeck et al. discloses a network adapter 300 having electrical prongs 302,303 being mounted to the housing and mechanically supporting at least a portion of the housing's

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weight and first and second extension receptacles 207,307 into which a first plug of a first extension device is insertable. Therefore, it would have been obvious to one of ordinary skill to modify the device of AAPA by including a group of electrical prongs mounted to the housing and mechanically supporting at least a portion of the housing's weight and first and second extension receptacles for an outlet adapter as taught by Walbeck et al.

Regarding claims 3 and 6, AAPA is silent regarding the circuitry comprising a surge protection module. However, Walbeck et al. discloses a surge protection module (see col. 7, lines 38-40 and col. 8, lines 23-24). Therefore, it would have been obvious to one of ordinary skill to modify the device of AAPA by including a surge protection module as taught by Walbeck et al. to protect the device from power surges.

Regarding claim 4, Walbeck et al. includes first and second electrical prongs 302, 303.

Regarding claim 8, the connections of Walbeck et al. achieve redundancy for fault-tolerant operation of the communication of information between the communication devices (see col. 6, lines 5-65).

Regarding claim 11, the circuitry of Walbeck et al. is mounted to the housing and the group of electrical prongs is mounted to the housing by mounting to the circuitry (col. 5, lines 57-64).

Regarding claim 13, Walbeck et al. discloses a primary receptacle 201 having a connector type, and wherein the first extension receptacle has the connector type.

Regarding claims 9 and 40, AAPA discloses a device having circuitry (for switches 34) for selecting a manner of communications.

Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA and Walbeck et al. as described in claim 1 above, and further in view of Vora 5,719,450. Neither AAPA nor Walbeck et al. disclose the circuitry having a power conditioner. However, Vora discloses circuitry having a power conditioner 13. It would have been obvious to one of ordinary skill to modify the circuitry of the device of Walbeck et al. by including a power conditioner to condition the power as taught by Vora.

Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA and Walbeck et al. as described in claims 1 and 9 above, and further in view of Nilssen 4,712,019. AAPA and Walbeck et al. disclose the invention substantially as claimed. Neither AAPA nor Walbeck et al. do not disclose the circuitry being remotely controllable by the communication device. However, Nilssen disclose a device a,b having circuitry being remotely controllable by the communication device RCM. It would have been obvious to one of ordinary skill to modify the device of AAPA by having the circuitry be remotely controllable by the communication device as taught by Nilssen for remote controllability.

Claims 14-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA and Walbeck et al. as described in claim 1 above, and further in view of Candeloro 6,045,374. AAPA and Walbeck et al. disclose the invention substantially as claimed. Walbeck et al. discloses the primary receptacle 201 being mounted within a

wall and is exposed to an outer surface of the wall. Neither AAPA nor Walbeck et al. disclose a screw structure for securing the housing to the wall when the group of electrical prongs is inserted. However, Candeloro discloses a device housing 322 comprising a screw structure 217. It would have been obvious to one of ordinary skill to modify the device housing of AAPA by adding a screw structure for securing/locking the housing to the wall as taught by Candeloro.

Claims 24, 27 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walbeck et al. in view of Nilssen 4,712,019. Walbeck et al. disclose the invention substantially as claimed. Walbeck et al. do not disclose the circuitry being remotely controllable by the communication device. However, Nilssen disclose a device a,b having circuitry being remotely controllable by the communication device RCM. It would have been obvious to one of ordinary skill to modify the device of Walbeck et al. by having the circuitry be remotely controllable by the communication device as taught by Nilssen for remote controllability.

Claims 31-33, 35, 43-45 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walbeck et al. in view of Candeloro 6,045,374. Walbeck et al. disclose the invention substantially as claimed. Walbeck et al. discloses the primary receptacle 201 being mounted within a wall (not shown) and being exposed to an outer surface of the wall. Walbeck et al. does not disclose a screw structure for securing the housing to the wall when the group of electrical prongs is inserted. However, Candeloro discloses a device housing 322 comprising a screw structure 217. It would have been obvious to one of ordinary skill to modify the device housing of Walbeck et

al. by adding a screw structure for securing/locking the housing to the wall as taught by Candeloro.

Regarding claim 35, the structure is for securing the housing to the wall by securing the housing to the receptacle.

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walbeck et al. and AAPA as described in claim 1 above, and further in view of Nilssen 4,712,019. Walbeck et al. and AAPA disclose the invention substantially as claimed. Neither AAPA nor Walbeck et al. disclose the circuitry being remotely controllable by the communication device. However, Nilssen disclose a device a,b having circuitry being remotely controllable by the communication device RCM. It would have been obvious to one of ordinary skill to modify the device of Walbeck et al. by having the circuitry be remotely controllable by the communication device as taught by Nilssen for remote controllability.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walbeck et al., AAPA and Candeloro as described in claim 16 above, and further in view of DeVries 6,519,208. Walbeck et al. , Candeloro and AAPA disclose the invention substantially as claimed. Neither AAPA, Candeloro nor Walbeck et al. disclose the locking device structure including a cover for selectively preventing access to the screw. However, DeVries disclose a locking device structure 10 including a cover 14 for selectively preventing access to the screw 42. Therefore it would have been obvious to one of ordinary skill to make the locking device structure include a cover as taught by DeVries for protecting the screw.

Claims 34 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walbeck et al., AAPA and Candeloro as described in claim 33 above, and further in view of DeVries 6,519,208. AAPA, Walbeck et al. and Candeloro disclose the invention substantially as claimed. Neither AAPA, Candeloro nor Walbeck et al. disclose the locking device structure including a cover for selectively preventing access to the screw. However, DeVries disclose a locking device structure 10 including a cover 14 for selectively preventing access to the screw 42. Therefore it would have been obvious to one of ordinary skill to make the locking device structure include a cover as taught by DeVries for protecting the screw.

Claims 19-21,23,25, 26,28-30,36,39,42 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walbeck et al. 6,747,859 in view of AAPA.

Regarding claim 19, Walbeck et al. disclose a network device 200, comprising a housing; a group of electrical prongs 202, mounted to the housing, for insertion into at least one primary receptacle 201 of the alternating current power source, and for mechanically supporting at least a portion of the housing's weight when the group of electrical prongs is so inserted, wherein at least a portion of the group of electrical prongs is connected to the power connection for connecting the circuitry to the alternating current power source via the power connection and the group of electrical prongs when the group of electrical prongs is so inserted; and an extension receptacle 207, mounted to the housing and connected to the group of electrical prongs, into which a plug of an extension device is insertable, for connecting the extension device to the

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alternating current power source via the plug and the group of electrical prongs when the plug and the group of electrical prongs are so inserted.

Walbeck et al. does not disclose the circuitry within the housing operating as a router to direct a communication of information between any of first, second and third communication devices via a wireless medium. However, AAPA discloses in figs. 1a and 1b a network device, comprising, a housing 12, circuitry within the housing for operating as a router (via WAN port 32) to direct a communication of information between any of first, second and third communication devices via a wireless medium, wherein the circuitry includes a first connection, a second connection and a power connection. It would have been obvious to one of ordinary skill to modify the network device of Walbeck et al. by providing circuitry within the housing for operating as a router to direct a communication of information between communication devices via a wireless medium as taught by AAPA.

Claims 37,39,42,48-53,56 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Walbeck et al. 6,747,859. Regarding claim 37, AAPA discloses in figs. 1a and 1b a network device, comprising, a housing 12, circuitry (pages 2-4) within the housing for operating as a router (via WAN port 32) to direct a communication of information between any of first, second and third communication devices via a wireless medium, wherein the circuitry includes a first connection, a second connection and a power connection, a group of electrical prongs 16, for insertion into at least one primary receptacle of the alternating current power source, wherein at least a portion of the group of electrical prongs is connected to the power

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connection. AAPA does not disclose the group of electrical prongs 16 being mounted to the housing and mechanically supporting at least a portion of the housing's weight when the group of electrical prongs is so inserted, nor a first and second extension receptacles 207, mounted to the housing and connected to the group of electrical prongs. However, Walbeck et al. discloses a network adapter 300 having electrical prongs 302,303 being mounted to the housing and mechanically supporting at least a portion of the housing's weight and first and second extension receptacles 207,307 into which a first plug of a first extension device is insertable. Therefore, it would have been obvious to one of ordinary skill to modify the device of AAPA by including a group of electrical prongs mounted to the housing and mechanically supporting at least a portion of the housing's weight and first and second extension receptacles for an outlet adapter as taught by Walbeck et al.

Regarding claim 20, the extension device is a first extension device, wherein the plug is a first plug of the first extension device, and comprising: a second extension receptacle 307, mounted to the housing and connected to the group of electrical prongs, into which a second plug of a second extension device is insertable, for connecting the second extension device to the alternating current power source via the second plug and the group of electrical prongs when the second plug and the group of electrical prongs are so inserted.

Regarding claim 21, Walbeck et al. includes first and second electrical prongs 302, 303.

Regarding claim 23, the circuitry of Walbeck et al. includes a surge protection module (see col. 7, lines 38-40 and col. 8, lines 23-24).

Regarding claim 26, the circuitry of AAPA includes circuitry for selecting a manner of communicating the information between the second connection and the second communication device (see page 2-4).

Regarding claims 25 and 39, the connections of Walbeck et al. achieve redundancy for fault-tolerant operation of the communication of information between the communication devices (see col. 6, lines 5-65).

Regarding claims 28 and 42, the circuitry is mounted to the housing and the group of electrical prongs is mounted to the housing by mounting to the circuitry (col. 5, lines 57-64).

Regarding claim 29, the second communication device is the extension receptacle.

Regarding claim 30, the primary receptacle (at 201) of Walbeck et al. has a connector type and the extension receptacle 207 has the same connector type.

Regarding claims 36 and 48, the communication devices of AAPA are not shown but are external to the housing (page 2, lines 14-15).

Regarding claims 49-51,53-56, AAPA discloses a parallel connection 28, an USB serial connection 30, an Ethernet connection 34, wide area network 32 and a the second could be connected to a print device.

Regarding claim 52, the second connection of AAPA could be used for connecting to the second device via a second wire.

Regarding claim 58, Walbeck et al. disclose the receptacle (at 201) is a primary receptacle, and comprising: an extension receptacle 307, mounted to the housing and connected to the group of electrical prongs, into which a plug of an extension device is insertable, for connecting the extension device to the alternating current power source via the plug and the group of electrical prongs when the plug and the group of electrical prongs are so inserted.

Response to Arguments

Applicant's arguments filed November 19,2004 have been fully considered but they are not persuasive. In response to applicant's argument that neither AAPA nor Walbeck et al. disclose circuitry operating as a router. The Examiner disagrees AAPA discloses circuitry operating as a router (via WAN port 32).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicant's arguments with respect to claims 19 and 37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brigitte R. Hammond whose telephone number is 571-272-2006. The examiner can normally be reached on Mon.-Thurs. and Alternate Fridays from 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A Bradley can be reached on 571-272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brigitte R. Hammond
Examiner
Art Unit 2833

January 22, 2005